

REMARKS

This responds to the Office Action dated December 18, 2007.

Claims 1 and 11 are amended; as a result, claims 1-21 are now pending in this application.

§112 Rejection of the Claims

Claims 1 and 11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants respectfully disagree with the rejections and believe that support for the limitations cited by the Examiner was pointed out in the previous response when the limitations were presented. However, in the interest of moving the prosecution forward, Applications have amended the claims 1 and 11 to remove the limitations at issue. With the amendment, Applicants submit that the 112 rejection has been overcome.

§102 Rejection of the Claims

Claims 1, 4, 9, 10, 11, 14, 15 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Muir (U.S. Patent Application Publication No. 2004/0038740).

Claim 1 recites in part:

“one or more servers;

one or more remote user systems wherein the one or more remote user systems are individually addressable;

one or more console systems operating on the one or more servers wherein the one or more console systems comprise one or more base functionality modules;

one or more software game modules in communication with the one or more remote user

systems, the one more software game modules utilizing the one or more base-functionality modules provided by the one or more console systems to provide interactive game content to the one or more remote user systems; and at least one application programming interface for the one or more game modules transferring at least one parameter passed by the one or more console systems to the one or more game modules and transferring at least one parameter passed by the one or more game modules to the one or more console systems and wherein the at least one interface further comprises a common interface for connecting additional modules; wherein the one or more remote user systems communicate parameters to the one or more software game modules; and wherein the software game module passes game-specific information to the one or more console systems.

(Emphasis added.)

According to Muir, traditional game software is compatible only with the architecture and hence the platform for which the game was designed. The game cannot run on multiple platforms. (Par. 32) Muir teaches a multi-platform gaming architecture that allows the creation of games which run on a variety of platforms of different architectures without modification to the game. (Abstract; Summary) The gaming architecture includes a game code element and a platform code element. The architecture allows the game code and the platform code elements to be approved independently which can reduce the amount of approvals required and simplify game creation. (Par. 12; Figs. 1 and 2; Par. 13; Par. 17; Par. 30)

Muir teaches that the platform code is that software required to support a game on a particular platform. Platform code exists for each platform within the gaming system and in principal approved once for all games. (Par. 37) The platform code includes game API. (Figs. 1-3) Muir further teaches a system having one or more platform specific game API, each configured to run on a different one of a plurality of gaming program processing platforms. (Claim 1)

Muir then teaches a generic game server that stores games for execution and distribution to the various platforms. The game server may be used to distribute games to traditional electronic gaming machines (EGMs), Internet consoles, televisions, etc. (Fig. 7; Par. 44)

Thus, Muir teaches that the game codes can be distributed from the generic server to and played on the different platforms such as the EGMs, the Internet consoles, and the televisions because the platform codes on each of these different platforms enable the platforms to be independent of the game codes.

In the Office Action, the Examiner rejects claim 1 asserting that Muir (Figs. 1 and 2 and par. 12) teaches the limitations “one or more console systems operating on the one or more servers” wherein the one or more console systems comprise one or more base functionality modules” and “one or more software game modules in communication with the one or more remote user systems, the one more software game modules utilizing the one or more base-functionality modules provided by the one or more console systems to provide interactive game content to the one or more remote user systems.” The Examiner also asserts that the “platform code” taught by Muir is analogous to the “console system” recited in claim 1. Applicants respectfully disagree with the Examiner’s assertions.

Claim 1 includes the limitation “one or more console systems operating on the one or more servers”. This clearly indicates a console system is to operate on a server. If the “console system” as recited in claim 1 is analogous to the “platform code” as taught by Muir, then the platform code has to operate on a server.

Applicants submit that operating the platform code on a server would defeat the purpose of enabling the different platforms to be independent of the game code, as desired by Muir.

Applicants submit that the 102 rejection has been overcome, and claim 1 and its dependent claims 2-10 are patentable over Muir.

Applicants submit that, at least for the reason presented above with claim 1, claim 11 and its dependent claims are also patentable over Muir.

§103 Rejection of the Claims

Claims 2-3, 5-8, 12-13, 16-19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muir (U.S. Patent Application Publication No. 2004/0038740) in view of Rothschild et al. (U.S. Patent No. 6,152,814).

Since claims 2-3 and 5-8 depend from the independent claim 1, and claims 12-13, 16-19 and 21 depend from the independent claim 11, and since claims 1 and 11 are patentable at least for the reason presented above, Applicants submit that claims 2-3, 5-8, 12-13, 16-19 and 21 are also patentable. The 103 rejection has been overcome.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this day of April 2008.

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Signature